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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARTINEZ S. AYTCH,

*Petitioner,*

vs.

ROBERT LEGRAND, *et al.*,

*Respondents.*

3:10-cv-00767-RCJ-RAM

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner's application (#1) to proceed *in forma pauperis*, his motion for leave to file additional pages submitted with the petition, his motion for appointment of counsel, and his motion to extend his prison copy credit limit.

On the application to proceed *in forma pauperis*, the Court finds that petitioner is unable to pay the \$5.00 filing fee, and the application therefore will be granted.

Following review of the counsel motion and accompanying papers, the Court finds that the interests of justice warrant the appointment of counsel, in light of: (a) the concurrent life sentences imposed with a minimum of ten years prior to eligibility for parole consideration, as compared to petitioner's current age of approximately 51 years as reflected by the NDOC website; (b) the number and complexity of the claims and potential procedural issues presented; and (c) the possibility that there may be time remaining in the federal one-year limitation period for the assertion of claims.

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1 IT THEREFORE IS ORDERED that the application (#1) to proceed *in forma pauperis*  
2 is GRANTED such that petitioner will not be required to pay the \$5.00 filing fee.

3 IT FURTHER IS ORDERED that the Clerk of Court shall file the petition and  
4 accompanying motions.

5 IT FURTHER IS ORDERED that the motion for counsel is GRANTED and that the  
6 Clerk shall reflect in the docket entry for the motion that the motion is granted by this order.  
7 The counsel appointed will represent petitioner in all proceedings related to this matter,  
8 including any appeals or *certiorari* proceedings, unless allowed to withdraw.

9 IT FURTHER IS ORDERED that the Federal Public Defender shall be provisionally  
10 appointed as counsel and shall have thirty (30) days to undertake direct representation of  
11 petitioner or to indicate to the Court her office's inability to represent petitioner in these  
12 proceedings. If the Federal Public Defender is unable to represent petitioner, the Court then  
13 shall appoint alternate counsel. A deadline for the filing of an amended petition will be set  
14 after counsel has entered an appearance, in the order confirming the specific appointment.  
15 The Court anticipates setting the deadline for 120 days based upon the current record.

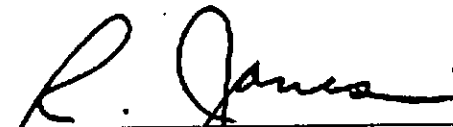
16 IT FURTHER IS ORDERED, so that the respondents may be electronically served with  
17 any amended petition and exhibits filed through counsel, that the Clerk of Court shall add  
18 Attorney General Catherine Cortez Masto as counsel for respondents and shall make informal  
19 electronic service of this order upon respondents by directing a notice of electronic filing to  
20 her. Respondents' counsel shall enter a notice of appearance herein within twenty (20) days  
21 of entry of this order, but no further response shall be required from respondents until further  
22 order of this Court.

23 IT FURTHER IS ORDERED that the motion for leave to file additional pages submitted  
24 with the petition is GRANTED and that the Clerk shall reflect in the docket entry for the motion  
25 that the motion is granted by this order.

26 IT FURTHER IS ORDERED that the motion to extend petitioner's prison copy credit  
27 limit is DENIED as moot and that the Clerk shall reflect in the docket entry for the motion that  
28 the motion is denied by this order.

1       The Clerk of Court accordingly shall send a copy of this order (together with  
2 attachments containing a copy of the petition and accompanying motions) to the *pro se*  
3 petitioner, the Attorney General, the Federal Public Defender, and the CJA Coordinator for  
4 this Division.

5               DATED: January 20, 2011

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9               ROBERT C. JONES  
10              United States District Judge  
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